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7 UNITED STATES DISTRICT COURT
8 EASTERN DISTRICT OF WASHINGTON
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10 MATTHEW G. SILVA,
11 Plaintiff,

12 v.
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14 WASHINGTON STATE
15 DEPARTMENT OF
CORRECTIONS, *et al.*,
Defendants.

NO. CV-08-5017-RHW

**ORDER DENYING PLAINTIFF'S
MOTION FOR
RECONSIDERATION**

16 Before the Court is Plaintiff's Motion to Renote Motion to Vacate With
17 Request for Extension to File Reply (Ct. Rec. 67) and Motion for Reconsideration
18 of Motion to Vacate or for Relief from Judgment Per Rule 60(b) (Ct. Rec. 70). The
19 motions were heard without oral argument.

20 On October 2, 2008, Defendants filed a motion to dismiss. Plaintiff failed to
21 respond to the motion and instead asked for additional time to file a response. To
22 date, Plaintiff has never filed a response, even when the Court issued an order to
23 show cause to do so. On September 29, 2009, the Court entered an Order
24 dismissing the action for failure to prosecute. Plaintiff then filed a motion for
25 reconsideration, which was denied. To date, Plaintiff has not filed a substantive
26 response to Defendants' motion to dismiss.

27 The Court does not find that good cause exists to reconsider its previous
28 order, or reopen this case.

**ORDER DENYING
PLAINTIFF'S MOTION FOR RECONSIDERATION ~ 1**

1 Accordingly, **IT IS HEREBY ORDERED:**

2 1. Plaintiff's Motion to Renote Motion to Vacate With Request for
3 Extension to File Reply (Ct. Rec. 67) is **DENIED**.

4 2. Plaintiff's Motion to Expedite (Ct. Rec. 68) is **DENIED**.

5 3. Plaintiff's Motion for Reconsideration of Motion to Vacate or for
6 Relief from Judgment Per Rule 60(b) (Ct. Rec. 70) is **DENIED**.

7 **IT IS SO ORDERED.** The District Court Executive is directed to enter this
8 Order, forward copies to Plaintiff and counsel, and **close the file**.

9 **DATED** this 29th day of January, 2010.

10
11 s/Robert H. Whaley

12 ROBERT H. WHALEY
13 United States District Judge

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